



CALIFORNIA STATE PERSONNEL BOARD

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ARNOLD SCHWARZENEGGER, Governor



CALIFORNIA STATE PERSONNEL BOARD MEETING

801 Capitol Mall
Sacramento, California

Public Session Location – 801 Capitol Mall
Sacramento, California, Room 150
Teleconference – 320 West 4th Street
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall
Sacramento, California, Room 141
Teleconference – 320 West 4th Street
Los Angeles, California Suite 620

SUMMARY MINUTES – MAY 8, 2007

FULL BOARD MEETING MINUTES¹

MAY 8, 2007

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

Sean Harrigan, President
Anne Sheehan, Vice President
Maeley Tom, Member
Patricia Clarey, Member
Richard Costigan, Member

2. REPORT OF THE EXECUTIVE OFFICER – Suzanne M. Ambrose

- A)** Floyd Shimomura and Suzanne Ambrose (the former and current SPB Executive Officer) attended the Budget Hearing at the Senate two weeks ago. The 21st Century Project, the Reimbursable Exam Services BCP, and the Bilingual Fluency Exam all passed though. The Internship CalEPA Program was rejected due to lack of funding. Floyd briefed the Senate on the status of the different motions of the Receiver Issue. Our Informational Technology Classification Reform BCP and the CDCR Exam BCP also passed. Suzanne Ambrose and Dave Gilb, Director of DPA, testified on the HR Modernization Project BCP. The subcommittee expressed support for the project but left the item open to have staff draft reporting language.
- B)** Mary Fernandez and Suzanne Ambrose met with Dave and other DPA folks to start planning for the HR Modernization Project. A two-day off-site planning session will be held, inviting all the key stake holder departments to discuss the implementation of the project. The team plans to have the project begin by July 1, 2007.
- C)** JobAps did get the bid for the Exam and Cert Project with no protests. The Special Project Report (SPR) has been approved by Agency and is now at Finance. We are hoping to start the project within the next 30 days.

¹ The Minutes for the Board Meetings can be obtained at the following internet address:
<http://www.spb.ca.gov/calendar.htm>

**3. REPORT OF THE DEPARTMENT OF PERSONNEL ADMINISTRATION (DPA)
– Daryll Tsujihara**

Daryll Tsujihara, Division Chief of the Department of Personnel Administration (DPA) gave a brief report on the recent activities at DPA.

**4. REPORT ON THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS)
– Maeley Tom**

Member Maeley Tom gave a brief report on the recent activities of the Public Employees' Retirement System.

5. REPORT OF THE CHIEF COUNSEL – Elise Rose

A) Legal staff is dealing with a number of issues related to the prison receivership:

- 1)** The Court granted the Receiver's request for a 2 year extension on the expiring limited term appointments of several pharmacy technicians.
- 2)** The Receiver's motion to appoint 250 CEAs was filed with the federal court: within days, the court issued an order allowing various agencies including the respondents to respond to the motion. The Board, PERS, and DPA were invited to file amicus briefs.
- 3)** The Receiver filed the motion for reforming the discipline system for physicians at CDCR. That motion was also followed by an order of the Court to allow SPB and other named agencies to file amicus briefs by May 22, 2007.
- 4)** The Receiver filed a motion for waiver of various laws, primarily relating to the bidding and award of state contracts. Some of the statutes to be waived, however, pertain to the Board's authority to review personal services contracts. The Court issued its order allowing briefing by some agencies, but SPB was not included. As a protective measure the Board has filed a request with the Court informing the Court the Board may want to be heard on this issue as well.

B) Chief Counsel is in the interviewing process for a new Staff Counsel.

6. NEW BUSINESS

NONE PRESENTED

7. REPORT ON LEGISLATION – Sherry Evans

AB 67 (Dymally) passed out on consent at the Assembly Appropriations Committee and is now on the Senate side.

8. DEPARTMENT OF CORRECTIONS AND REHABILITATION'S REQUEST (PURSUANT TO COLEMAN LITIGATION) TO USE 3 LIMITED SCORES FOR EXAMINATIONS FOR MENTAL HEALTH CLASSIFICATION

Board voted on whether to adopt a resolution granting Department of Corrections and Rehabilitation's request.

Persons Participating:

Elise Rose, Chief Counsel, State Personnel Board
Misha Igra, Deputy Attorney General, Department of Justice
Doug McKeever, Director, Mental Health, Department of Corrections and Rehabilitation

ACTION: ADOPTED WITH AMENDED RESOLUTION

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

9. ORAL ARGUMENT

In the matter of **CASE NO. 04-2919ERPA**. Appeal from discrimination and retaliation. Physician & Surgeon, CF. Department of Corrections and Rehabilitation.

Persons Participating:

Cindy Lee Cannon, Attorney, representing appellant.
Robert K. Gaultney, Assistant General Counsel, Department of Corrections and Rehabilitation.

ACTION: SUBMITTED

CLOSED SESSION OF THE STATE PERSONNEL BOARD

10. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

**CLOSED SESSION OF THE STATE PERSONNEL BOARD PURSUANT TO
COPELY PRESS, INC. v. SUPERIOR COURT (2006) 39 CAL. 4TH 1272**

11. ORAL ARGUMENT

In the matter of **CASE NO. 05-1067A**. Appeal from dismissal.
Investigator, DMV. Department of Motor Vehicles.

Persons Participating:

Corey Glave, Attorney, representing appellant.
Jennifer Berry, Senior Staff Counsel, Department of Motor Vehicles.

ACTION: SUBMITTED

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

12. ORAL ARGUMENT

In the matter of **CASE NO. 05-0929PA**. Appeal from rejection during probation.
Health Program Manager I. Department of Health Services.

Persons Participating:

Jean-Pierre Francillette, Staff Counsel, Department of Health Services,
representing department.
Avi Burkwitz, Attorney, representing appellant.

ACTION: SUBMITTED

CLOSED SESSION OF THE STATE PERSONNEL BOARD

**13. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND
OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

14. HEARING – GOVERNMENTAL PROGRAM ANALYST

The State Personnel Board in consultation with the Department of Personnel Administration proposed the establishment of the new classification of Governmental Program Analyst.

– Karen Coffee, Chief, Merit Employment and Technical Resources Division, California State Personnel Board.

ACTION: SUBMITTED

CLOSED SESSION OF THE STATE PERSONNEL BOARD

15. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

16. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]
(See Action Taken on Pages 11–18)

17. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e)(1) and 18653.]

Patrick McCollum v. State of California

United States District Court, Northern District of California
Case No. C04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.

Case No. C01-1351 THE

Colocousis, et al. v. State Personnel Board, et al.

Sacramento Superior Court Case No. 07CS00461

18. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the legislature.
[Government Code section 18653.]

NONE

19. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor.
[Government Code section 18653.]

NONE

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

**20. DISCUSSION OF UPCOMING BOARD MEETING SCHEDULE OF
MAY 18, 2007, IN SACRAMENTO, CALIFORNIA**

NONE

BOARD ACTIONS:

**21. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF
APRIL 3, 2007**

ACTION: ADOPTED

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

22. EVIDENTIARY CASES

ACTION: See Case Listings on Pages 11–20

**23. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE
SECTION 18671.1 EXTENSION - (See Minutes on Pages 26–27)**

ACTION: ADOPTED

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

24. NON-EVIDENTIARY CASES

ACTION: See Case Listings on Pages 21–23

25. NON-HEARING CALENDAR

The following proposals were made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff.

- A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.**

NONE

- B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

NONE

26. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE

27. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Minutes serves to inform interested individuals and departments of proposed and approved CEA position actions.

- A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

DEPUTY DIRECTOR, HUMAN RESOURCES, DIVISION OF SUPPORT SERVICES

The Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Deputy Director, Human Resources, formulates and implements overarching policies, programs, and strategic direction related to personnel management services, staff development and training, recruitment and selection of peace officers, workforce planning and succession planning.

**PROGRAM DIRECTOR, PERFORMANCE MEASUREMENTS,
DIVISION, CORRECTIONAL HEALTH CARE SERVICES**

The Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Program Director will provide critical subject matter expertise, develops and implements policies for program monitoring and evaluation standards and training programs related to performance measures for the delivery of health care, and have responsibility of ensuring compliance with mandated court orders.

**ASSISTANT ASSOCIATE SECRETARY, OFFICE OF LEGISLATURE
AFFAIRS**

The California Health and Human Services Agency proposes to re-allocate the existing CEA position titled Assistant Secretary, Office of Program and Fiscal Affairs, to the above titled position. The Assistant Associate Secretary serves as the operational departmental coordinator of the entire legislative process and negotiates policy positions.

CHIEF DELIVERY OFFICER

The Department of General Services on behalf of the California Transportation Commission (CTC), proposes to allocate the above position to the CEA category. The Chief Delivery Officer will provide high level policy and project management analysis and advice to the Commission, and acts as the Commission's point person for ensuring timely and cost effective delivery of state transportation projects and compliance with the mandates of Proposition 1B.

**CHIEF, FISCAL INTERMEDIARY AND CONTRACTS OVERSIGHT
DIVISION (FICOD)**

The Department of Health Services proposes to re-establish the existing CEA position, Chief, Medi-Cal Procurement Project, to the above CEA category. The Chief, FICOD, oversees and manages the implementation of highly complex state and federal regulatory changes relative to the maintenance of beneficiary and payment data, and ensures the implementation of new policies and procedures to maintain the confidentiality of all such data. The Chief, FICOD, establishes policy for appropriate performance standards.

**CHIEF, OFFICE OF EXECUTIVE RECRUITMENT AND PROGRAM
PERFORMANCE MANAGEMENT (OER/PPM)**

The Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The incumbent is responsible for planning, recruitment, examination, appointment and maintenance of top leadership positions; developing policies, procedures and/or priorities; meeting routinely with the Appointments staff from the Governor's Office and collaborates with the Secretary's Office; and management oversight of Human Resources Strategic planning activities.

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B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS

DEPUTY DIRECTOR, ENFORCEMENT DIVISION

The Department of Fair Employment Housing's proposal to re-establish the above position to the CEA category was approved March 27, 2007.

DEPUTY DIRECTOR, EXTERNAL AFFAIRS AND SPECIAL ADVISOR TO THE COMMISSION

The Fish and Game Commission's proposal to allocate the above position to the CEA category was approved March 27, 2007.

CHIEF, UTILIZATION MANAGEMENT DIVISION

The Department of Health Services' proposal to allocate the above position to the CEA category was approved effective April 2, 2007.

ASSISTANT DIRECTOR, HEALTH CARE REFORM EVALUATION

The California Managed Risk Medical Boards' proposal to allocate the above position to the CEA category was approved effective April 4, 2007.

ACTION: NOTED

28. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

29. WRITTEN STAFF REPORT FOR BOARD INFORMATION

Government Code Section 19683(f) requires the State Personnel Board to provide the Governor and the Legislature with an Annual Report regarding complaints filed and legal actions taken pursuant to SPB's role in the California Whistleblower Protection Act. This report covers the 2006 Calendar year. SPB staff is requesting the Board to approve this report for submission to the Governor and Legislature.

ACTION: SUBMITTED

30. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

NONE

31. BOARD ACTIONS ON SUBMITTED ITEMS

ACTION: See Minutes on Pages 24–25

A D J O U R N M E N T

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WHAT FOLLOWS IS A RECORD OF ACTION TAKEN ON AGENDA ITEMS 22 – 24 AS NOTED.

22. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting.

On May 8, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

(1) CASE NO. 05-0053A

Appeal from dismissal

Classification: Park Maintenance Assistant

Department: Department of Parks and Recreation

Proposed decision rejected October 10, 2006.

Oral argument heard February 6, 2007.

Case ready for decision by FULL Board.

ACTION: The Board issued a decision sustaining the dismissal (Member Costigan did not participate).

(2) CASE NO. 05-2211A

Appeal from dismissal

Classification: Senior Tax Compliance Representative

Department: Employment Development Department

Proposed decision rejected September 20, 2006.

Oral argument heard March 2, 2007.

Case ready for decision by FULL Board.

NO ACTION

(3) CASE NO. 06-1433

Appeal from official reprimand

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Proposed decision taken under submission December 5, 2006.

NO ACTION

- (4) **CASE NO. 06-0188A**
Appeal from dismissal
Classification: Physician and Surgeon, CF
Department: Department of Corrections and Rehabilitation

Proposed decision rejected February 20, 2007.
Oral argument heard April 3, 2007.
Case ready for decision by FULL Board.

NO ACTION

- (5) **CASE NO. 05-0947A**
Appeal from dismissal
Classification: Housing Finance Specialist (General)
Department: California Housing Finance Agency

Proposed decision rejected July 11, 2006.
Oral argument heard December 5, 2006.
Case ready for decision by FULL Board.

ACTION: The Board issued a decision sustaining the dismissal (Sheehan, Clarey, Costigan). Harrigan and Tom dissented.

- (6) **CASE NO. 05-0927BA**
Appeal for back salary determination
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation

Proposed decision rejected December 5, 2006.
Oral argument heard April 3, 2007.
Case ready for decision by FULL Board.

NO ACTION

- (7) **CASE NO. 06-1310**
Appeal from 14 working days suspension
Classification: Regional Administrator
Department: Department of Corrections and Rehabilitation

Proposed decision taken under submission December 5, 2006.

NO ACTION

B. CASES PENDING

ORAL ARGUMENTS

These cases were on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

On May 8, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

- (1) **CASE NO. 05-0929PA**
Appeal from rejection during probation
Classification: Health Program Manager I
Department: Department of Health Services
ACTION: SUBMITTED
- (2) **CASE NO. 05-1067A**
Appeal from dismissal
Classification: Investigator, DMV
Department: Department of Motor Vehicles
ACTION: SUBMITTED
- (3) **CASE NO. 04-2919ERPA**
Appeal from discrimination and retaliation
Classification: Physician & Surgeon, CF
Department: Department of Corrections and Rehabilitation
ACTION: SUBMITTED

C. CHIEF COUNSEL RESOLUTIONS

On May 8, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

- (1) **CASE NO. 05-3741**
Appeal from dismissal
Classification: Medical Technical Assistant, CF
Department: Department of Corrections and Rehabilitation
Request for Order to Show Cause against Department of Corrections and Rehabilitation
ACTION: SUBMITTED

- (2) **CASE NO. 05-3030A**
Appeal from demotion
Classification: Office Assistant (Typing)
Department: Developmental Services
Request to revise employment history
ACTION: The Board adopted the Chief Counsel's resolution denying request to revise employment history.
- (3) **CASE NO. 04-0779**
Appeal from dismissal
Classification: Motor Vehicle Field Representative
Department: Department of Motor Vehicles
Request for order to show cause
ACTION: The Board adopted the Chief Counsel's resolution denying the request for order to show cause.

COURT REMANDS

This case has been remanded to the Board by the court for further Board action.

- (4) **CASE NO. 00-1687A**
Appeal from denial of reasonable accommodation
Classification: Correctional Lieutenant
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted a resolution remanding case to ALJ.

STIPULATIONS

NONE

D. **ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS**

PROPOSED DECISIONS

These were ALJ proposed decisions submitted to the Board for the first time.

On May 8, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

- (1) **CASE NO. 06-3753**
Appeal from suspension of three days
Classification: Police Corporal
Department: California State University, Northridge
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the suspension.
- (2) **CASE NO. 05-2401E**
Appeal from denial of discrimination complaint
Classification: Staff Services Analyst (General)
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision dismissing the complaint.
- (3) **CASE NO. 06-1338**
Appeal from rejection during probation
Classification: Industrial Relations Counsel III (Specialist)
Department: Department of Industrial Relations
ACTION: The Board rejected the ALJ's Proposed Decision affirming the rejection and denying the appeal.
- (4) **CASE NO. 06-2607**
Appeal from dismissal
Classification: Youth Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision revoking the dismissal.
- (5) **CASE NO. 06-2222**
Appeals from dismissal
Classification: Parole Agent II
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision modifying the dismissal to a five month suspension.
- (6) **CASE NO. 05-4444E**
Appeal from denial of reasonable accommodation/retaliation
Classification: Office Technician (Typing)
Department: Department of Managed Health Care
ACTION: The Board adopted the ALJ's Proposed Decision dismissing the complaint in its entirety.

- (7) **CASE NO. 06-1413**
Appeal from five percent reduction in salary for six months
Classification: Registered Nurse
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision revoking the reduction in salary.
- (8) **CASE NO. 06-2010**
Appeal from medical termination
Classification: Administrative Support Coordinator II
Department: California State University, Los Angeles
ACTION: The Board rejected the ALJ's Proposed Decision reinstating appellant.
- (9) **CASE NO. 06-1756**
Appeal from punitive transfer
Classification: Prison Industries Manager (General)
Department: Prison Industries Authority
ACTION: The Board adopted the ALJ's Proposed Decision dismissing the appeal.
- (10) **CASE NO. 05-3008**
Appeal from dismissal
Classification: Officer
Department: Department of the California Highway Patrol
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the dismissal.
- (11) **CASE NO. 06-1229**
Appeal from dismissal
Classification: Parole Agent I
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision modifying the dismissal to an eighteen-month suspension.
- (12) **CASE NO. 06-4212**
Appeal from suspension for two weeks
Classification: Parole Agent III
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision revoking the suspension.

(13) CASE NO. 06-3582

Appeal from “forced leave”

Classification: Rehabilitation Therapist, State Facilities
(Music-Safety)

Department: Department of Mental Health

ACTION: The Board adopted the ALJ’s Proposed Decision
dismissing the appeal.

**PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR
MEETING**

NONE

PROPOSED DECISIONS AFTER BOARD REMAND

(14) CASE NO. 05-2327ER

Appeal from denial of discrimination complaint

Classification: Correctional Counselor II (Specialist)

Department: Department of Corrections and Rehabilitation

ACTION: The Board adopted the ALJ’s Proposed Decision
denying the appeal.

(15) CASE NO. 06-4349R

Appeal from denial of discrimination complaint

Classification: Senior Special Investigator

Department: Department of Developmental Services

ACTION: The Board adopted the ALJ’s Proposed Decision
dismissing the appeal for a lack of jurisdiction.

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board voted to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

On May 8, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

May 8, 2007

- (1) **CASE NO. 06-1556P**
Appeal from rejection during probation
Classification: Heavy Fire Equipment Operator
Department: Department of Forestry and Fire Protection
ACTION: Petition for rehearing denied.
- (2) **CASE NO. 06-0014P**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: Petition for rehearing denied.
- (3) **CASE NO. 06-0448P**
Appeal from five percent reduction in salary for six months
Classification: Stationary Engineer
Department: Department of Corrections and Rehabilitation
ACTION: Petition for rehearing denied.
- (4) **PSC NO. 06-03, CASE NO. 07-0806P**
Appeal from the Executive Officer's disapproval of Unarmed Security Guard Services
Department: California Highway Patrol and Inter-Con Security Systems, Inc.
ACTION: Petition for rehearing granted.

WHISTLEBLOWER NOTICE OF FINDINGS

NONE

F. PENDING BOARD REVIEW

These cases were pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

On May 8, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

- (1) **CASE NO. 05-1007EA**
Appeal from denial of discrimination complaint
Classification: Outside contractor
Department: Department of Transportation

Proposed decision rejected December 19, 2006.
Oral argument originally set April 3, 2007, Sacramento.
Oral argument continued.

NO ACTION

(2) CASE NO. 03-3412A

Appeal from rejection during probation

Classification: Correctional Counselor II (Supervisor)

Department: Department of Corrections and Rehabilitation

Petition for rehearing granted April 3, 2007.

Transcript prepared.

NO ACTION

(3) CASE NO. 06-0760A

Appeal from rejection during probation

Classification: Parole Agent I (Adult Parole)

Department: Department of Corrections and Rehabilitation

Proposed decision rejected November 14, 2006.

Oral argument originally set February 5-6, 2007, Los Angeles.

Oral argument continued.

NO ACTION

(4) CASE NO. 06-0235A

Appeal from dismissal

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Proposed decision rejected January 9, 2007.

Oral argument originally set May 8, 2007, Sacramento.

Oral argument continued.

NO ACTION

(5) CASE NO. 06-3023A

Appeal from ten percent reduction in salary for three months

Classification: Psychiatric Technician

Department: Department of Corrections and Rehabilitation

Proposed decision rejected March 2, 2007.

Transcript prepared.

NO ACTION

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- (6) **CASE NO. 05-2888PA**
Appeal from dismissal
Classification: Staff Services Analyst (General)
Department: Department of Consumer Affairs
- Petition for rehearing granted October 31, 2006.
Oral argument originally set March 1-2 2007, Sacramento.
Continued to June 5, 2007, Sacramento.
- NO ACTION**
- (7) **CASE NO. 05-1285A**
Appeal from dismissal
Classification: Public Safety Dispatcher II
Department: Department of California Highway Patrol
- Proposed decision rejected January 9, 2007.
Oral argument originally set June 5, 2007, Sacramento.
Oral argument continued.
- NO ACTION**
- (8) **CASE NO. 05-0929PA**
Appeal from rejection during probation
Classification: Health Program Manager I
Department: Department of Health Services
- Petition for Rehearing granted February 20, 2007.
Oral argument heard May 8, 2007, Sacramento.
- ACTION: SUBMITTED**
- (9) **CASE NO. 05-1067A**
Appeal from dismissal
Classification: Investigator
Department: Department of Motor Vehicles
- Proposed decision rejected January 9, 2007.
Oral argument heard May 8, 2007, Sacramento.
- ACTION: SUBMITTED**
- (10) **CASE NO. 04-2919ERPA**
Appeal of discrimination and retaliation
Classification: Physician and Surgeon
Department: Department of Corrections and Rehabilitation
- Petition for rehearing granted September 20, 2006.
Oral argument heard May 8, 2007, Sacramento.
- ACTION: SUBMITTED**

24. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases were heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board was presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION
CASES HEARD BY A STAFF HEARING OFFICER

NONE

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

On May 8, 2007, the Board adopted, as indicated below, the following items as presented by Laura M. Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

(1) CASE NO. 05-3627

Classification: Correctional Officer

Department: Department of Corrections & Rehabilitation

Issue: Suitability; four Driving Under the Influence (DUI) convictions.

ACTION: DENIED

(2) CASE NO. 05-4156

Classification: Correctional Officer

Department: Department of Corrections & Rehabilitation

Issue: Suitability; two DUI/ Wet Reckless convictions.

ACTION: DENIED

(3) CASE NO. 05-1687

Classification: Correctional Officer

Department: Department of Corrections & Rehabilitation

Issue: Suitability; DUI probation.

ACTION: DENIED

(4) CASE NO. 06-0225N

Classification: Correctional Officer

Department: Department of Corrections & Rehabilitation

Issue: Suitability; three DUI convictions.

ACTION: DENIED

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- (5) **CASE NO. 05-2508**
Classification: Correctional Officer
Department: Department of Corrections & Rehabilitation
Issue: Suitability; one DUI conviction.
ACTION: GRANTED
- (6) **CASE NO. 05-0238**
Classification: Youth Correctional Officer
Department: Department of Corrections & Rehabilitation
Issue: Suitability; one DUI conviction.
ACTION: GRANTED
- (7) **CASE NO. 05-3689**
Classification: Motor Vehicle Field Representative
Department: Motor Vehicles
Issue: Suitability; negative employment history.
ACTION: DENIED
- (8) **CASE NO. 05-1675**
Classification: Correctional Officer
Department: Department of Corrections & Rehabilitation
Issue: Suitability; one DUI conviction.
ACTION: GRANTED
- (9) **CASE NO. 05-3230**
Classification: Correctional Sergeant
Department: Department of Corrections & Rehabilitation
Issue: Suitability; Minimum Qualifications.
ACTION: DENIED
- (10) **CASE NO. 05-2876**
Classification: Correctional Officer
Department: Department of Corrections & Rehabilitation
Issue: Suitability; four DUI convictions.
ACTION: DENIED

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

Cases were heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board was presented recommendations by a Hearing Panel on each appeal.

- **CASE NO. 06-2606N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: DISMISSED

May 8, 2007

- **CASE NO. 06-2797N**
Classification: Cadet, CHP
Department: California Highway Patrol
ACTION: DISMISSED
- **CASE NO. 06-4505N**
Classification: Investigator I, ABC
Department: Alcoholic Beverage Control
ACTION: DISMISSED
- **CASE NO. 06-3077N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: DISMISSED
- **CASE NO. 06-2297**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: DISMISSED

C. EXAMINATION APPEALS
MINIMUM QUALIFICATIONS
MERIT ISSUE COMPLAINTS

NONE

D. RULE 211 APPEALS
RULE 212 OUT OF CLASS APPEALS
VOIDED APPOINTMENT APPEALS

NONE

E. REQUEST TO FILE CHARGES CASES

Investigated by Appeals Division staff. The Board was presented recommendations by Appeals Division staff for final decision on each request.

- (1) **CASE NO. 05-0483**
Classification: N/A – Member of the Public
Department: Department of Corrections & Rehabilitation
Issue: The charging party request charges be filed against the charged party for violations of various subsections of Government Code § 19572.
ACTION: DENIED

PETITIONS FOR REHEARING CASES

NONE

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC.

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

NO ACTION

2. VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES)

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

NO ACTION

3. TELEVISION SPECIALIST (SAFETY)

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

NO ACTION

4. HEARING – Personal Services Contract #04-03

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

NO ACTION

5. HEARING

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

NO ACTION

6. CASE NO. 05-0947A

Appeal from dismissal. Housing Finance Specialist (General). California Housing Finance Agency. (Oral argument held December 5, 2006.)

ACTION: The Board issued a decision sustaining the dismissal (Sheehan, Clarey, Costigan). Harrigan and Tom dissented.

May 8, 2007

7. CASE NO. 06-1814

Appeal from official letter of reprimand. Correctional Officer. Department of Corrections and Rehabilitation. (Presented to Board December 5, 2006.)

NO ACTION

8. CASE NO. 06-1310

Appeal from 14 working days' suspension. Regional Administrator. Department of Corrections and Rehabilitation. (Presented to Board December 5, 2006.)

NO ACTION

9. HEARING – PUBLIC HEARING ON PROPOSED COST SAVINGS REGULATIONS UNDER GOVERNMENT CODE SECTION 19130, SUBDIVISION (A)

(Hearing held January 9, 2007 and April 3, 2007.)

ACTION: The Board adopted the Cost Savings Contracts Regulations with changes made to the regulations.

10. CASE NO. 05-0053A

Appeal from dismissal. Park Maintenance Assistant. Department of Parks and Recreation. (Oral argument held February 6, 2007.)

ACTION: The Board issued a decision sustaining the dismissal (Member Costigan did not participate.)

11. CASE NO. 05-2211A

Appeal from dismissal. Senior Tax Compliance Representative. Employment Development Department. (Oral argument held March 2, 2007.)

NO ACTION

12. CASE NO. 05-3741

Appeal from dismissal. Medical Technical Assistant, CF. Department of Corrections and Rehabilitation. Request for Order to Show Cause against Department of Corrections and Rehabilitation. (Presented to the Board March 2, 2007.)

NO ACTION

13. CASE NO. 06-0188A

Appeal from dismissal. Physician & Surgeon, CF. Department of Corrections and Rehabilitation. (Oral argument held April 3, 2007.)

NO ACTION

14. CASE NO. 05-0927BA

Appeal for back salary determination. Correctional Sergeant. Department of Corrections and Rehabilitation. (Oral argument held April 3, 2007.)

NO ACTION

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

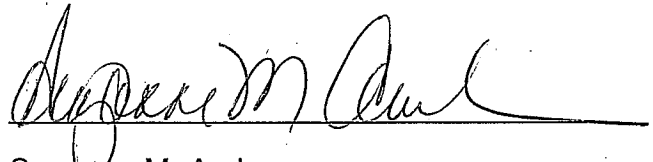
WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on May 8, 2007.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

A handwritten signature in black ink, appearing to read "Suzanne M. Ambrose", written over a horizontal line.

Suzanne M. Ambrose
Executive Officer
California State Personnel Board